

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA IMMEDIATE

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LIMITED OFFICIAL USE GENEVA 6092

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SUBJECT 61ST ECOSOC - ITEM 13 - ILLICIT PAYMENTS

REF: A. GENEVA 6072 AND BOND/FELDMAN TELECON B. STATE 187041

1. WE ARE OFFICIALLY SUBMITTING THE US TEXT JULY 29 PURSUANT TO REFTELS.

2. G-77 MET AT LENGTH ON THIS SUBJECT MORNING OF JULY 29 AND PRODUCED AN INFORMAL PAPER (GIVEN US IN CONFIDENCE) EMBODYING THEIR PROPOSED AMENDMENTS TO OUR DRAFT. ORIGIN AND RATIONALE OF THESE AMENDMENTS -- AND ABOVE ALL HOW HARD THEY MAY BE -- IS STILL UNKNOWN. WE SHALL HAVE TO PROBE. A CONTACT GROUP IS POSSIBLE TODAY.

3. FOLLOWING IS INFORMAL G-77 TEXT EMBODYING AMENDMENTS:

BEGIN TEXT

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RECALLING GENERAL ASSEMBLY RESOLUTION 3514 (XXX) WHICH, INTER

ALIA, CONDEMNED ALL CORRUPT PRACTICES, INCLUDING BRIBERY, BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED, IN VIOLATION OF THE LAWS AND REGULATIONS OF HOST COUNTRIES, AND CALLED UPON ALL GOVERNMENTS TO EXCHANGE INFORMATION AND FOR HOME GOVERNMENTS TO COOPERATE WITH HOST GOVERNMENTS TO PREVENT CORRUPT PRACTICES, INCLUDING BRIBERY;

NOTING THE DECISIONS OF THE COMMISSION ON TRANSNATIONAL CORPORATIONS AT ITS 2ND SESSION TO FORWARD TO THE ECONOMIC AND SOCIAL COUNCIL A PROPOSAL FOR AN INTERNATIONAL AGREEMENT WITH THE AIM OF ELIMINATING ALL FORMS OF CORRUPT PRACTICES IN INTERNATIONAL COMMERCIAL TRANSACTIONS;

NOTING FURTHER THE COMMISSION'S RECOMMENDATION THAT THE COUNCIL CONSIDER THE MATTER OF CORRUPT PRACTICES ON A PRIORITY BASIS AND TAKE APPROPRIATE ACTION AT ITS SIXTY-FIRST SESSION,

REAFFIRMING THE INALIENABLE RIGHT OF EACH STATE TO EXERCISE FULL AND PERMANENT SOVEREIGNTY OVER ITS NATURAL RESOURCES,

1. DECIDES:

(A) TO ESTABLISH AN AD HOC INTERGOVERNMENTAL WORKING GROUP TO CONDUCT AN EXAMINATION OF THE PROBLEM OF CORRUPT PRACTICES IN INTERNATIONAL COMMERCIAL TRANSACTIONS BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED, INCLUDING THE FEASIBILITY OF HAVING THE MATTER REGULATED BY AN INTERNATIONAL AGREEMENT AIMED AT ELIMINATING SUCH PRACTICES;

(B) THAT THE AD HOC WORKING GROUP SHALL BE COMPOSED OF 18 MEMBERS SELECTED ON THE BASIS OF EQUITABLE GEOGRAPHICAL DISTRIBUTION;

(C) THAT THE AD HOC WORKING GROUP SHALL MEET IN 1976 AND AS NECESSARY IN 1977, THE SESSIONS TO BE OF SUFFICIENT DURATION TO PERMIT COMPLETION OF ITS TASK;

2. REQUESTS UNITED NATIONS AGENCIES AND BODIES, ESPECIALLY UNCITRAL, TO RENDER SUCH ASSISTANCE TO THE AD HOC WORKING GROUP LIMITED OFFICIAL USE

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AS IT MAY REQUEST;

3. REAFFIRMS THAT THE FORMULATION OF A CODE OF CONDUCT BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHOULD BE GIVEN THE HIGHEST PRIORITY AND THAT CONSIDERATION OF AND ACTION BY THE COUNCIL IN THE MATTER OF CORRUPT PRACTICES SHALL IN NO WAY INTERFERE WITH OR DELAY THAT PRIORITY;

4. DECIDES FURTHER THAT THE AD HOC WORKING GROUP SHOULD
SUBMIT A REPORT TO THE COUNCIL AT ITS SIXTY-THIRD SESSION CONTAINING
THE RESULTS OF ITS WORK PURSUANT TO PARAGRAPH 1(A) ABOVE.

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